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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/035,913      | 10/24/2001  | Kurt Hoffmaster      | 01-40286-US         | 2158             |

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| EXAMINER |
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LIVERSEDGE, JENNIFER L

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| ART UNIT | PAPER NUMBER |
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3628

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |  |   |  |
|------------------------------|--|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/035,913   | <b>Applicant(s)</b><br>HOFFMASTER, KURT |  |
|                              | <b>Examiner</b><br>Jennifer Liversedge | <b>Art Unit</b><br>3628                 |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/10/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

Page 3, line 18 should read "The pay-ins may be placed..." rather than "The pay-ins may placed...".

Page 21, line 14 should read "of the total costs..." rather than "of the of the total costs...".

Page 29, line 22 refers to reference numbers which do not correspond to the numbers on the drawings for the same items, where the drawing show engine 310, tires 320 and chassis 330.

Page 29, line 26 refers to a completed truck 340 which carries a different name on the drawing as truck manufacturer.

Appropriate correction is required.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 1, items 115 and 125.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "302" and "301" have both been used to designate steel on Figure 3.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Information Disclosure Statement***

The information disclosure statement filed 5/10/2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

#### ***Claim Objections***

Claim 1 is objected to because of the following informalities: Claim 1 should read "A system..." rather than "An system...". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-10, 13-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Promoting active-student learning using the World Wide Web in economics courses" by S.P. Simkins et al. (further referred to as Simkins), in view of "How Networks Work" by F. J. Derfler, Jr. and L. Freed, 2000 (further referred to as Derfler).

Regarding claim 1, Simkins discloses a system for providing a channel between at least two organizations (page 2, lines 28-36, lines 47-54), comprising:

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An account for each of the at least two organizations (see email and chat which require an account: page 2, lines 30-31, lines 33-36, lines 52-53; page 4, lines 17-20; see accounts: page 4, lines 31-32, lines 45-48);

A set of defined attributes for each of the at least two organizations, wherein each of said at least two sets is correspondent to one of said accounts, wherein said set defines at least one input to the organization correspondent to the one of said accounts and at least one output of the organization correspondent to the one of said accounts (page 2, lines 19-26, lines 33-36; page 3, lines 14-59; page 4, lines 30-48); and

A disinterested third-party connection that provides for the creation of each of said accounts, that records activities occurring over said communicative connection, and that serves as a temporary organization if the system is without at least one of said at least two organizations necessary for at least one of the linear communications (page 2, lines 28-36, lines 47-54; page 4, lines 30-48).

Simkins does not disclose wherein the organizations are linearly communicatively connected and a communicative connection that provides for at least one of said organizations to control said account of that at least one organization, and that provides for a linear interacting of the at least one of said organizations with other of said at least two organizations, wherein the linear interacting comprises trading of said set correspondent to the at least one of said organizations within the system by at least one of said organizations with other of said at least two organizations.

However, Derfler discloses wherein the organizations are linearly communicatively connected (see Intranet, page 194-195; see LAN-to-LAN connection,

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page 139) and a communicative connection that provides for at least one of said organizations to control said account of that at least one organization, and that provides for a linear interacting of the at least one of said organizations with other of said at least two organizations, wherein the linear interacting comprises trading of said set correspondent to the at least one of said organizations within the system by at least one of said organizations with other of said at least two organizations (see Biometrics, smart cards, etc., page 136 and E-mail, file service, etc., page 137; see Intranet, page 194-195; see LAN-to-LAN connection, page 139).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the economic simulations on a network as disclosed by Simkins to adapt the use of linear connection as disclosed by Derfler. The motivation would be to provide direct communication, to further simulate the exchanges that occur between business organizations, and to make use of network options which include a variety of communication authorizations and prohibitions in terms of enabling members to engage in various types of communication such as sharing files, sending emails, chatting, etc.

Regarding claim 2, Simkins discloses the system wherein one of said set of defined attributes is a simulated currency (page 6, lines 37-39).

Regarding claim 3, Simkins discloses wherein one of said attributes is a simulated location where the organization resides (page 3, lines 24-26).

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Regarding claim 4, Simkins discloses the system wherein the system is resident on a computer (page 3, lines 8-9).

Regarding claim 5, Simkins discloses the system wherein the communication connection provides the organizations with a closed, recorded chat system (page 2, lines 30-31, lines 33-36).

Regarding claim 6, Simkins discloses the system wherein the communicative connection provides one of the at least two said organizations with an email system located at said disinterested third-party connection (column 2, lines 52-54; page 4, lines 17-20).

Regarding claim 7, Simkins discloses the system wherein the communicative connection provides at least one of the at least two said organizations with a set of at least one feedback page of consolidated information documenting transactions effecting said account of that at least one organization (page 4, line 56 - page 5, line 2).

Regarding claims 8 and 9, Simkins does not specifically disclose the system wherein said organizations initiate the simulated economy concurrently and wherein an entry and exit of the said organization is discretionary. However, Simkins discloses collaborating on economic projects (page 2, lines 28-36; page 3, lines 14-59). The Examiner takes Official Notice that it is old and well known for groups to assemble in



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order to achieve a common objective, such as engaging in an activity, where all group members sign up concurrently and that members will also add in and drop out as their needs and desires change. It would be obvious to one of ordinary skill in the art at the time of the invention that for students to collaborate on economic simulations by signing up concurrently, and further that some students would be required to drop out of the simulation and where new students may join in. The motivation would be to create a group wherein enough members are present to begin engaging in a simulation, while offering flexibility to meet the realities of any group dynamic.

Regarding claim 10, Simkins discloses the system wherein each of said accounts is created by said independent third party in accordance with a pay-in by each of said organizations (page 4, lines 30-36, lines 45-48).

Regarding claim 13, Simkins discloses the system wherein the system quantifies characteristics of each product or service that is transacted within the system within said accounts (page 2, lines 19-26, lines 33-36; page 3, lines 14-59; page 4, lines 30-48; page 4, line 56 – page 5, line 2).

Regarding claims 14 and 16, Simkins discloses a computer implemented method of providing a channel of communication between at least two organizations (page 2, lines 28-36, lines 47-54), the method comprising:

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Creating an account for each of the at least two organizations (see email and chat which require an account: page 2, lines 30-31, lines 33-36, lines 52-53; page 4, lines 17-20; see accounts: page 4, lines 31-32, lines 45-48);

Identifying and assigning a set of defined attributes for each of the at least two organization (page 2, lines 19-26, lines 33-36; page 3, lines 14-59; page 4, lines 30-48);

Serving as a temporary organization in an absence of at least one of said at least two organizations necessary for a trading of the sets (page 2, lines 28-36, lines 47-54; page 4, lines 30-48);

Recording the trading of the sets of defined attributes over the communicative connection (page 2, lines 28-36, lines 47-54; page 4, lines 30-48); and

Allowing for the trading of the sets of defined attributes between the organizations (page 2, lines 28-36, lines 47-54; page 4, lines 30-48).

Simkins does not disclose wherein the organizations are linearly communicatively connected and a communicative connection that provides for at least one of said organizations to control said account of that at least one organization, and that provides for a linear interacting of the at least one of said organizations with other of said at least two organizations.

However, Derfler discloses wherein the organizations are linearly communicatively connected (see Intranet, page 194-195; see LAN-to-LAN connection, page 139) and a communicative connection that provides for at least one of said organizations to control said account of that at least one organization, and that provides for a linear interacting of the at least one of said organizations with other of said at least

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two organizations (see Biometrics, smart cards, etc., page 136 and E-mail, file service, etc., page 137; see Intranet, page 194-195; see LAN-to-LAN connection, page 139).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the economic simulations on a network as disclosed by Simkins to adapt the use of linear connection as disclosed by Derfler. The motivation would be to provide direct communication, to further simulate the exchanges that occur between business organizations, and to make use of network options which include a variety of communication authorizations and prohibitions in terms of enabling members to engage in various types of communication such as sharing files, sending emails, chatting, etc.

Claims 11-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simkins and Derfler as applied to claims 1 and 14 above, and further in view of US Patent No. 6,188,993 B1 to Eng et al. (further referred to as Eng).

Regarding claims 11 and 12, neither Simkins nor Derfler disclose the system further comprising an investment account, wherein all of the pay-ins are placed in said investment account, and wherein said investment account is invested by said independent third party, wherein proceeds of said investment account are distributed to each of said organizations in accordance with the pay-in of each respective one of said organizations and wherein proceeds of said investment account are retained by said independent third party.

However, Eng discloses the system further comprising an investment account, wherein all of the pay-ins are placed in said investment account, and wherein said investment account is invested by said independent third party, wherein proceeds of said investment account are distributed to each of said organizations in accordance with the pay-in of each respective one of said organizations and wherein proceeds of said investment account are retained by said independent third party (column 2, lines 39-51; column 2, line 66 – column 3, line 3; column 4, lines 18-26; column 5, lines 5-7; column 6, lines 53-55).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the economic simulation and networking as disclosed by Simkins and Derfler by adapting the use of distributing and/or paying out proceeds of an investment as disclosed by Eng. The motivation would be to provide the third party with a means of making profits for managing investment funds, as well as a mechanism to maintain system balance and to benefit individuals partaking in the system.

Regarding claim 15, neither Simkins nor Derfler disclose the method wherein one of said set of defined attributes is a simulated currency, wherein a value of said simulated currency is determined by valuing an input currency using the following steps:

Receiving the input currency at a disinterested third-party;

Converting the input currency to the simulated currency using a pre-defined mathematical relation;

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Crediting the simulated currency resulting from the conversion to a respective one of the accounts.

However, Eng discloses the method wherein one of said set of defined attributes is a simulated currency, wherein a value of said simulated currency is determined by valuing an input currency (column 1, lines 60-66; column 2, lines 40-51) using the following steps:

Receiving the input currency at a disinterested third-party (column 1, lines 60-66; column 2, lines 40-51; column 8, lines 30-38);

Converting the input currency to the simulated currency using a pre-defined mathematical relation (column 2, lines 40-51; column 4, lines 23-26; column 6, lines 33-37, lines 53-55);

Crediting the simulated currency resulting from the conversion to a respective one of the accounts (column 2, lines 40-51; column 4, lines 17-25).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the economic simulation and networking as disclosed by Simkins and Derfler by adapting the use of simulated currencies tied to a pre-defined mathematical relation for crediting accounts as disclosed by Eng. The motivation would be that when simulating a field in a learning environment, an exchange rate between true monetary value and monetary value used in the game scenario would need to be pre-established such that everyone would be aware of the exchange value. This would be similar to exchanging for cash for tokens at casinos; both monetary values are known and held constant for exchange and crediting purposes.

***Conclusion***

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at 571-272-6799. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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FRANTZY POINVIL  
PRIMARY EXAMINER  
*Au 3628*